

House File 2613 - Introduced

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BY HALL

A BILL FOR

1 An Act relating to the mandatory submission to a chemical test
2 by a driver of a motor vehicle involved in an accident
3 involving death, and making penalties applicable.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321J.6A Mandatory blood test —
2 accident involving death.

3 1. Notwithstanding any other provision of this chapter to
4 the contrary, a person who operates a motor vehicle who is
5 involved in a motor vehicle accident or collision resulting
6 in death shall submit to a chemical test of the person's
7 blood to determine the alcohol concentration or the presence
8 of a controlled substance or other drug. The investigating
9 peace officer shall cause a test to be administered as soon
10 as practicable following the accident in the same manner as
11 prescribed in section 321J.11.

12 2. The result of the test is admissible at trial if the
13 court, after reviewing all of the evidence, whether gathered
14 prior to, during, or after the test, is satisfied that probable
15 cause exists, independent of the test result, to believe that
16 the driver of the motor vehicle was under the influence of an
17 alcoholic beverage, controlled substance, or other drug or a
18 combination of such substances at the time of the accident.

19 3. If a person fails to submit to a test required under
20 this section, the department shall revoke the person's driver's
21 license or nonresident operating privilege as required by and
22 for the applicable period specified under section 321J.9.

23

EXPLANATION

24 The inclusion of this explanation does not constitute agreement with
25 the explanation's substance by the members of the general assembly.

26 This bill relates to the mandatory submission to a chemical
27 test by a driver of a motor vehicle involved in an accident
28 involving death.

29 The bill provides that, notwithstanding any other provision
30 of Code chapter 321J (Iowa's operating a motor vehicle while
31 intoxicated law) to the contrary, a person who operates a
32 motor vehicle who is involved in a motor vehicle accident or
33 collision resulting in death shall submit to a chemical test of
34 the person's blood to determine the alcohol concentration or
35 the presence of a controlled substance or other drug as soon

1 as practicable following the accident in the same manner as
2 prescribed in Code section 321J.11. The result of the test is
3 admissible at trial if the court, after reviewing all of the
4 evidence, whether gathered prior to, during, or after the test,
5 is satisfied that probable cause exists, independent of the
6 test result, to believe that the driver of the motor vehicle
7 was under the influence of an alcoholic beverage, controlled
8 substance, or other drug or a combination of such substances at
9 the time of the accident.

10 The bill provides that if a person fails to submit to a
11 test required under the bill, the department of transportation
12 shall revoke the person's driver's license or nonresident
13 operating privilege as required by and for the applicable
14 period specified under Code section 321J.9. A person who fails
15 to submit to chemical testing is subject to license revocation
16 for up to two years depending on whether the person has had a
17 previous revocation under Code chapter 321J.

18 Under current law, Iowa's implied consent law provides that
19 a person who operates a motor vehicle in this state under
20 circumstances which give reasonable grounds to believe that
21 the person has been operating a motor vehicle in violation
22 of Iowa's operating-while-intoxicated law is deemed to have
23 given consent to the withdrawal of specimens of the person's
24 blood, breath, or urine and to a chemical test or tests of
25 the specimens for the purpose of determining the alcohol
26 concentration or presence of a controlled substance or other
27 drug. The withdrawal of the body substances and the test or
28 tests is contingent upon a written request of a peace officer
29 who, prior to the request, has reasonable grounds to believe
30 that the person was operating a motor vehicle in violation
31 of Code chapter 321J, under any of a number of conditions,
32 including but not limited to whether the person has been
33 involved in a motor vehicle accident or collision resulting in
34 personal injury or death.